

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 21, 2005

DIVISION ONE

B173138 People (Not for Publication)
v.
Alejandro Martinez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B178819 People (Not for Publication)
v.
Antwyone D. Lynch

The judgment is affirmed.

Suzukawa, J. (Assigned)

We concur: Spencer, P.J.
Mallano, J.

B171955 People (Not for Publication)
v.
Victor & Ayala

The judgments are affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

April 21, 2005 (Continued)

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed. The order that defendant “[p]ay the costs of probation services (pursuant to 1203.1b P[enal]C[ode]) to the probation officer in the amount the probation officer shall prescribe” in the August 11, 2003 minute order is stricken. The abstract of judgment is corrected to reflect a \$300 restitution fine (Pen. Code, §1202.4, subd. (b)) and a \$300 parole revocation restitution fine (*id.*, § 1202.45). The clerk of the court is directed to prepare a corrected abstract of judgment and forward a copy to the department of corrections.

Spencer, P.J.

I concur: Suzukawa, J. (Assigned)
I dissent: Vogel (Miriam A.), J. (Opinion)

B166050 Connie Armijo
v.
Jamie Miles, M.D. et al.

Filed order denying petition for rehearing.

DIVISION TWO

B171630 People (Not for Publication)
v.
Clark

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

April 21, 2005 (Continued)

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B181133 Amber G., v. S.C.L.A.
B172964 People v. Richmond
B175491 People v. Leichman
B173765 People v. Cruz
B176996 Howard v. Chenault
B177124 Children and Family Services v. Nathan D.

Argument waived, cause submitted.

B173329 Vargas, et al.
 v.
 Bachsian

Merits:

Argued by Joel Spivak for appellant. Argument previously waived by the respondent. Cause submitted.

B174332 Ahrablou
 v.
 Board of Chiropractic Examiners, State of California

Merits:

Argued by Robert J. Mulvihill for appellant and by Erlinda Shrenger, deputy attorney general for respondent. Cause submitted.

April 21, 2005 (Continued)

DIVISION THREE (Continued)

B177402 Maurizio, et al.
 v.
 Book City News, Inc., dba Circus Disco, et al.

Merits:
Argued by Armen M. Tashjian for appellants and by Alan B. Nishimura
and Hall R. Marston for respondents. Cause submitted.

B179059 Public Employees Retirement System, et al.
 v.
 Superior Court, Los Angeles County
 (California Administrative Services Authority, et al., r.p.i.)

Merits:
Argued by Jill Theresa Bowers, deputy attorney general for petitioner and
by Richard A. Clark, Judd L. Jordan and Gary Ganchrow for real parties in
interest. Cause submitted.

Court recessed at 11:46 a.m.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy
Clerk.

B177705 Ellis v. Ellis

Argument waived, cause submitted.

B174453 Mejia
 v.
 City of Los Angeles, et al.
 California Home Development, LLC (rpi)

Merits:
Argued by Maria Mejia, appellant in propria persona, by Jack L. Brown,
deputy city attorney for respondent and by L. Douglas Brown for real party
in interest. Cause submitted.

DIVISION THREE (Continued)

B167277 Van Taylor
 v.
 Ivie, et al.

Merits:

Argued by Greta T. Hutton and Manuel Dominguez for appellant and by
Thris Van Taylor in propria persona and Rami Kayyali for respondents.
Cause submitted.

B175285 Lee
 v.
 Board of Chiropractic Examiners

Merits:

Argued by Jennifer S. Cady, deputy attorney general for appellant and by
Michael Goch for respondent. Cause submitted.

Court adjourned at 4:10 p.m.

B172727 Garamendi, as Insurance Commissioner (Not for Publication)
 v.
 Mission Insurance Company
 The Housing Group, et al.

The judgment is affirmed. Respondent is entitled to costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

April 21, 2005 (Continued)

DIVISION THREE (Continued)

B180157 People (Not for Publication)
v.
Ostane

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B173224 People (Not for Publication)
v.
Hamilton

The sentence is reversed and the cause is remanded to the trial court for further proceedings consistent with this opinion and in all other respects the judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.
Hastings, J.

B171442 People (Not for Publication)
v.
Jones

The judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.
Curry, J.

April 21, 2005 (Continued)

DIVISION FOUR (Continued)

B175153 People (Not for Publication)
v.
Ruiz et al.

The judgments are affirmed.

Curry, J.

We concur: Epstein, P.J.
Hastings, J.

B173243 Los Angeles County, D.C.S. (Not for Publication)
B176951 v.
Greta M.

Sarah's appeals are dismissed as moot. The orders of juvenile court as they pertain to Mother are affirmed.

Hastings, J.

We concur: Epstein, P.J.
Curry, J.

B177224 Los Angeles County, D.C.S. (Not for Publication)
v.
Shelley G.

The juvenile court orders denying the section 388 petition and limiting Mother's right to make educational decisions regarding the minor are affirmed.

Hastings, J.

We concur: Epstein, P.J.
Curry, J.

April 21, 2005 (Continued)

DIVISION FIVE

B175131 People (Not for Publication)
v.
Arturo Suarez

The section 12022.7, subdivision (a) enhancement is reversed. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION SIX

B177627 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B172056 California Insurance Guarantee Association,
v.
W.C.A.B. (American Motorists Insurance Company)

Filed order modifying opinion. (No change in the judgment)

B167415 People
v.
Santana

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

April 21, 2005 (Continued)

DIVISION EIGHT

B176015 People (Not for Publication)
v.
De La Pena

We remand for re-sentencing in accordance with Blakely, but otherwise affirm the judgment.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B172525 King Case Industrial Co., LTD., (Not for Publication)
v.
Lemel International Corp. et al.

The judgment is affirmed. Appellants are to bear costs on appeal.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

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The judgment is reversed as to count 1 and reversed and remanded for further proceedings as to count 2.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

April 21, 2005 (Continued)

DIVISION EIGHT (Continued)

B170332 Gayle M. Cohen (Not for Publication)
 v.
 Ivan I. Cohen

The orders denying the motion to set aside the judgment and denying appellant's request for attorney fees are reversed. Appellant shall recover costs on appeal.

Cooper, P.J.

We concur: Boland, J.
 Flier, J.

B169212 People v. Gonzalez and Wayne (Not for Publication)
B173004 In re Raymond Gonzalez on Habeas Corpus

The judgment as to appellant Gonzalez is affirmed. Gonzalez's petition for writ of habeas corpus is denied. The judgment as to appellant Wayne is affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.